

APPEAL NO. 021988  
FILED SEPTEMBER 17, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 19, 2002. The hearing officer determined that the appellant's (claimant) compensable right foot injury of \_\_\_\_\_, does not extend to and include certain lumbar spine diagnoses and that the claimant did not have any disability.

The claimant appealed, contending that "the [compensable] right foot injury was due to a back injury [she] received during an instructors class." Basically the claimant is contending that the compensable right foot injury of \_\_\_\_\_, aggravated a noncompensable low back injury that she received on \_\_\_\_\_, in a training class. The respondent (self-insured) responds, urging affirmance.

DECISION

Affirmed.

The claimant, a police officer, apparently sustained a low back injury on \_\_\_\_\_, during a training class. That injury was apparently not reported and the claimant continued to work. On \_\_\_\_\_, an incident occurred where the claimant hyperextended her right foot. The self-insured accepted liability for the foot injury and the claimant was treated for that injury. The first complaints regarding the claimant's back occurred in \_\_\_\_\_ or \_\_\_\_\_ and were documented by a lumbar MRI performed on December 14, 2000. The MRI was read as being within normal limits. Another lumbar MRI was performed on September 11, 2001. There is a dispute whether the claimant has abnormalities of the lumbar spine. One of the claimant's doctor's has also advanced the theory that the claimant's lumbar back condition was caused by an altered gait due to the compensable right foot injury.

The evidence, including medical evidence, is in conflict. The extent-of-injury issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

Because we are affirming the hearing officer on the extent-of-injury issue the claimant did not have disability in that the claimant's inability to obtain and retain employment was due to the noncompensable back injury.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MAYOR  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Veronica Lopez  
Appeals Judge